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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

11 JO ANN O'CONNOR ET AL, No. C-14-00210 DMR  
12 Plaintiff(s), **ORDER TO SUBMIT**  
13 v. **BRIEFING**

14 CARRINGTON MORTGAGE SERVICES  
15 LLC,  
Defendant(s).

17 On March 25, 2014, Plaintiffs Jo Ann O'Connor and Robert H. O'Connor filed a motion for  
18 default judgment. [Docket No. 10.] On March 26, 2014, the court issued an order describing the  
19 deficiencies in Plaintiffs' motion and ordered them to re-file a properly-noticed motion for default  
20 judgment. [Docket No. 11.] The court also ordered Plaintiffs to address in the re-filed motion their  
21 entitlement to default judgment pursuant to the *Eitel* factors, *see Eitel v. McCool*, 782 F.2d 1470,  
22 1471-72 (9th Cir. 1986), as well as the court's personal jurisdiction over Defendant, adequacy of  
23 service on the Defendant, and to submit evidence of claimed damages.

24 Plaintiffs filed a new motion for default judgment on April 11, 2014. [Docket No. 16.]  
25 Having reviewed the motion, the court finds that it is still deficient as to adequacy of service on the  
26 Defendant and evidence of damages. Specifically, Plaintiffs argue that service of the summons and  
27 complaint on “Jan Lipides, Agent for Service of Process” is proper under Federal Rule of Civil  
28 Procedure 4(e), and submit a supporting declaration by a process server, but have not submitted any

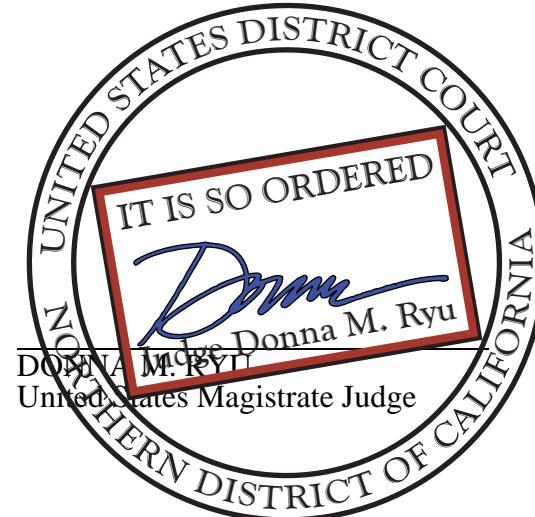
1 evidence that "Jan Lipides" is in fact Defendant's authorized agent for service of process. In  
2 addition, in Plaintiffs' original motion for default judgment, they ask for damages of \$1,200,000.00  
3 plus interest and costs. In their new motion, it appears that Plaintiffs' request for actual damages is  
4 based upon emotional distress, but they do not specify the amount of actual damages they seek.  
5 Finally, Plaintiffs ask for \$8,700.00 in attorneys' fees and \$400.00 in costs, but do not support these  
6 requests with evidence. The court also notes that as to Plaintiffs' request for attorneys' fees,  
7 Plaintiffs are unrepresented in this matter and have not provided authority supporting their  
8 entitlement to attorneys' fees.

9 The court will give Plaintiffs one final chance to remedy these deficiencies in their motion  
10 for default judgment. Plaintiffs shall submit supplemental briefing addressing these matters by no  
11 later than **May 5, 2014**.

12 Immediately upon receipt of this Order, Plaintiffs shall serve Defendant with a copy of this  
13 Order and file a proof of service with the court. In addition, at the time Plaintiffs file their  
14 supplemental briefing, they must serve Defendant with a copy of their submission and file a proof of  
15 service with the court.

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17 IT IS SO ORDERED.

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19 Dated: April 18, 2014



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